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BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of

RICHARD PILLON

Holder of License No. 6697
For the Practice of Pharmacy
In the State of Arizona

Board Case No. 07-0012-PHR

**CONSENT AGREEMENT FOR
PROBATION**

RECITALS

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") and under A.R.S. §§ 32-1901, et seq. and 42-1092,07(F)(5), Richard Pillon ("Respondent"), holder of Pharmacist License Number 6697 to practice pharmacy in the state of Arizona, and the Board enter into the following recitals, Findings of Fact, Conclusions of Law, and Order ("Consent Agreement") as a final disposition of this matter.

1. Respondent has read and understands this Consent Agreement and has the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

1 2. Respondent understands that he has a right to a public administrative hearing concerning
2 the above-captioned matter, at which hearing he could present evidence and cross-examine
3 witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily
4 relinquishes all right to such an administrative hearing, as well as rights of rehearing, review,
5 reconsideration, appeal, judicial review or any other administrative and/or judicial action,
6 concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

8 4. Respondent understands that this Consent Agreement or any part of the agreement may be
9 considered in any future disciplinary action by the Board against him.

10 5. Respondent understands this Consent Agreement deals with Board Complaint No. 3147
11 involving allegations of unprofessional conduct against Respondent. The investigation into these
12 allegations against Respondent shall be concluded upon the Board's adoption of this Consent
13 Agreement.

14 6. Respondent understands that this Consent Agreement does not constitute a dismissal or
15 resolution of any other matters currently pending before the Board, if any, and does not constitute
16 any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any
17 other pending or future investigation, action or proceeding.

18 7. Respondent also understands that acceptance of this Consent Agreement does not preclude
19 any other agency, subdivision, or officer of this State from instituting any other civil or criminal
20 proceedings with respect to the conduct that is the subject of this Consent Agreement.

21 8. All admissions made by the Respondent in this Consent Agreement are made solely for
22 the final disposition of this matter, and any related administrative proceedings or civil litigation
23 involving the Board and Respondent. Therefore, any admissions made by Respondent in this
24 Consent Agreement are not intended for any other use, such as in the context of another
25 regulatory agency's proceedings, or civil or criminal proceedings, whether in the State of Arizona
26 or in any other state or federal court.

9. Respondent acknowledges and agrees that, upon signing the Consent Agreement and
returning this document to the Board's Executive Director, he may not revoke his acceptance of
the Consent Agreement or make any modifications to the document regardless of whether the
Consent Agreement has been signed by the Executive Director. Any modification to this original

document is ineffective and void unless mutually agreed by the parties in writing.

10. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.


11. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

12. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

13. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

14. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(B)(20),-1927(A)(1).

ACCEPTED AND AGREED BY RESPONDENT


Richard Pillon

Dated: 9/7/2006

Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA, this 7th day of SEPTEMBER, 2006, by Richard Pillon.




NOTARY PUBLIC

My Commission expires: June 28, 2007

1 **FINDINGS OF FACT**

2
3 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted authority for
4 licensing and regulating the practice of pharmacy in the State of Arizona.

5 2. Richard Pillon ("Respondent") is the holder of license number 6697 for the practice of
6 pharmacy in the State of Arizona.

7 3. Respondent signed a Consent Agreement ("Agreement") with the Board on May 24, 2006.
8 The Agreement stipulated that Pharmacist License No. 6697, which was issued to Richard Pillon,
9 was placed on probation subject to the condition that Respondent would not practice in a setting
10 where he was the only pharmacist on duty.

11 5. Due to his belief that he could practice under his Michigan pharmacy license, Respondent
12 worked as the only pharmacist on duty at the Inscription House Health Center on June 12, 2006,
13 June 23, 2006, June 27-30, 2006 and July 3, 2006.

14 6. Respondent had not informed Mr. Anthony Kuyper, the Chief Pharmacist of the
15 Inscription House Health Center of the May 2006 consent order and that his Arizona pharmacy
16 license was on probation, due to his belief that he could practice under his Michigan license.

17 7. Respondent erroneously assumed that he did not have to provide notice to his employer
18 and abide by work restrictions imposed on his Arizona pharmacy license.

19 **CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over Respondent's Arizona Pharmacist License No. 6697
21 pursuant to A.R.S. § 32-1902 et seq.

22 2. It has been alleged that the conduct and circumstances described above constitute
23 unprofessional conduct pursuant to A.R.S. § 32-1901(B)(19) ("Violating or attempting to violate,
24 directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate, this
25 chapter.").

26 3. It has been alleged that the conduct and circumstances described above constitute
unprofessional conduct pursuant to A.R.S. § 32-1091.01(B)(20) ("Violating a formal order, terms
of probation, a consent agreement or a stipulation issued or entered into by the board or its
executive director pursuant to this chapter.").

1
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3 **ORDER**

4 Based on the above Findings of Fact and Conclusions of Law and under the authority
5 granted to the Board by A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. R4-23-122(c),

6 IT IS HEREBY ORDERED THAT Pharmacist License No. 6697, which was issued to
7 Richard Pillon for the practice of Pharmacy in the State of Arizona, is hereby placed on
8 PROBATION for an additional two (2) years, to be served consecutive to the six month probation
9 currently ordered on May 26, 2006. The full probationary term is subject to the following
10 additional conditions:

- 11 1. Respondent shall not practice in a setting where he is the only pharmacist on duty.
- 12 2. Respondent shall not practice in a dispensing capacity, whereby Respondent is responsible
13 for delivery to an ultimate user and responsible for final verification of prescription accuracy.
- 14 3. Respondent shall advise the Board immediately of any change in pharmacy employment
15 status throughout the term of his probation.
- 16 4. Respondent shall furnish all employers, including but not limited to, pharmacy employers,
17 with a copy of this Board Order throughout the term of his probation.
- 18 5. If Respondent violates this Order in any way or fails to fulfill the requirements of this
19 Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke,
20 suspend or take other disciplinary actions against the Respondent. The issue at such hearing will
21 be limited solely to whether this Order has been violated.
- 22 6. Respondent shall appear before the Board at a regularly scheduled Board meeting at the
23 conclusion of the probation period to request that the probation imposed by this order be
24 terminated. Respondent's failure to petition the Board to terminate the probation shall extend the
25 probation period.

26
DATED this 26th day of September, 2006.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By:



HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 26 day of September, 2006, with:

Arizona State Board of Pharmacy
4425 W. Olive Avenue, Suite 140
Glendale, AZ 85302

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 26 day of September, 2006, to:

Richard Pillon
19229 W. Pieget, #6
Waddell, Arizona 85355
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
This 26 day of September, 2006, to:

Dawn Walton Lee
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, AZ 85007

